



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/007,523

12/03/2001

Neal Solomon

2580

758 7590 12/29/2006
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER

GREIMEL, JOCELYN

ART UNIT

PAPER NUMBER

3693

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
|--|-----------|---------------|

3 MONTHS

12/29/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/007,523

Applicant(s)

SOLOMON, NEAL

Examiner

Jocelyn Greimel

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-95 is/are rejected.
- 7) ☒ Claim(s) 1-95 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/03/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This non-final communication is in response to Applicant's application of 03 December 2001, which claims the benefit of 60/162,932 filed 01 November 1999 and claims the benefit of 60/250,819 filed 01 December 2000. Claims 1-95 are pending and presented to be examined upon their merits. Claims 1, 29, 30, 33, 39, 41, 53, 68, 69, 79 and 93 are independent claims. Claims 47 and 57 were deleted.

Claim Objections

2. Claims 1-93 are objected to because of the following informalities: the use of the terms "intelligent agent", "inter-agent", "intelligent negotiation agent" and "negotiation agent" for both buyer and seller are confusing as they are similar. For example, claim 10 uses several of the claim terms. Consistent use of the same term and more distinct terms would make the claims read more clearly. Appropriate correction is required.

3. Claim 6 is objected to because it uses the acronym "UDDI", which has not been defined in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3693

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-28, 29, 42-43, 59-67, 68, 89-92, 93-94 and 95 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogasawara (US Pat. No. 6,868,392 B1).** In reference to claim 1, Ogasawara discloses a method, system and computer program for presenting information regarding products and services via a network of computers comprising:

- a plurality of market databases registered with a cooperative communications network (col. 4, lines 21-34),
- an analytical agent for mining data related to a selected item from at least one of said plurality of market databases, said analytical agent further for generating a subset of data that most closely meets a preprogrammed goal (col. 4, lines 21-34),
- at least one of a seller's inter-agents in communication with said analytical agent for receiving said subset of data (col. 4, lines 21-46),
- said at least one of a seller's inter-agents for generating at least one showcase database based on said subset of data responsive to a set of seller's sales objectives, each showcase registered with a cooperative communications network (col. 4, lines 21-46), and

Art Unit: 3693

- a user interface for displaying information derived from said showcase database (col. 4, line 20 – col. 5, line 31),
- market databases related to an industry,
 - mining data comprises constantly monitoring the plurality of market databases, and generating an updated subset of data responsive to any change in the market databases,
 - at least one seller's inter-agent regenerates said at least one showcase database in response to said updated subset of data (col. 5, lines 38-55),
- a plurality of showcase databases commonly related to an industry;
 - showcase databases are registered with a UDDI register,
 - showcase databases employ a common extensible markup language (col. 7, lines 1-64),
- at least one buyer's intelligent negotiation agent for receiving information from said showcase database regarding said selected item,
 - at least one buyer's commercial search agent for searching said at least one showcase databases for information regarding the selected item,
 - at least one buyer's intelligent negotiation agent, and at least one intelligent seller's negotiation agent in communication with said at least one buyer's intelligent negotiation agent, wherein when said at

least one buyer's intelligent negotiation agent requests a bid for sale of said selected item, at least two of said seller's intelligent negotiation agents submit that bid to said at least one buyer's intelligent negotiation agent (col. 4, lines 21-46),

- preprogrammed goal comprises a set of buyer's specifications for a selected item, said item being one of a plurality of individual product items and individual service items (col. 5-6),
- preprogrammed goal comprises a set of seller's sales objectives (col. 5-6),
- the analysis is performed by selecting one of a plurality of evolutionary computation resources comprising genetic algorithms, genetic programming, neural networks, constantly monitoring the market data and generates the subset of data anew for any changing in the market data and the inter-agent generates a showcase database responsive to any change in the subset of data including a discounted price for an item, an option to upgrade features of a selected item, include additional services related to the item, a quantity discount for the item, financing for the item, warranties, insurance, proximity marketing discount, yield management promotion, a plurality showcase databases registered with a cooperative communications network for a common sales objective and each having a data set dedicated to the

common sales objective, and comprises an object relational database (col. 6, line 8 – col. 8, line 19).

6. In reference to claims 30-31, 33-38 and 39-40, Ogasawara discloses a system, method and computer program for creating a seller's showcase database, which is accessible over a network of computers, comprising:

- obtaining market data related to a selected item from a market, said item being one of a product item or service item (col. 9, line 19 – col. 10, line 60),
- analyzing said market data for conformity to a set of seller's sales objectives (col. 9, line 19 – col. 10, line 60),
- filtering said market data to create a seller showcase database reflecting the most favorable terms for sale of said selected item by said seller given said market data (col. 9, line 19 – col. 10, line 60),
- and constantly updating the seller showcase database with each change in the market data (col. 9, line 19 – col. 10, line 60).

7. In reference to claims 41, 44-46, 48-52, 53-56 and 58, Ogasawara discloses a method, system and computer program for analysis of data, the data resident in a distributed computing network of sellers' commercial databases comprising:

Art Unit: 3693

- at least one of a plurality of intelligent analytical agents, said analytical agent for mining data related to a selected item from at least one of a plurality of market databases, said item one of a product item or service item, and said analytical agent for generating a subset of data that most closely meets a goal,
- where analysis is case-based reasoning, rule-based reasoning, uses neural networks, uses genetic programming; a suite of artificial intelligence program resources accessible by the intelligent analytical agent and selects an artificial intelligence resource for optimal performance using genetic programming or genetic algorithms or neural networks (col. 8, line 50 – col. 12, line 60).

8. In reference to claims 69-78 and 79-88, Ogasawara discloses a method, system and computer program for automated collaborative filtering using a computer that communicates over a distributed network comprising:

- at least one seller's analytical agent (col. 7, line 8-64),
- at least one buyer's commercial search agent in communication with said seller's analytical agent, wherein, when said commercial search agent transmits to said at least one seller's analytical agent a request by a buyer for information on a selected item, said item one of a plurality of product items and service items, said seller's analytical agent mines data related

to said selected item from at least one of a plurality of market databases, filters said data against a profile of said buyer to prepare a list of at least one of a plurality of recommended items, and transmits to said buyer's commercial search agent said list of recommended items (col. 8, line 50 – col. 10, line 31)

- the filters of data comprise ranking each of the at least one of a plurality of recommended items consistent with the buyer's profile, item type, popularity, buyer's region, item quality, services related to the item, bundled items, quantity of items and item price (col. 10, line 8 – col. 11, line 64).

Additional References

9. Other references relevant to the examination of the application but not cited herein:

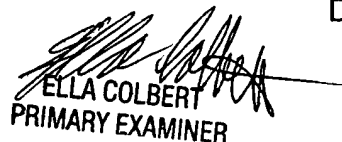
- Peckover (US Patent No. 6,119,101).
- Google search engine Front Page, "Why Use Google?" Page and "Frequently Asked Questions" Page as of January 17, 1999 (<http://web.archive.org/web/1999011732727/http://google.com>).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday, 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached at (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
December 4, 2006


ELLA COLBERT
PRIMARY EXAMINER